

Decision 05-03-036 March 29, 2005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 9, 2002)

ORDER CORRECTING ERRORS IN DECISION 05-03-025

This order corrects certain inadvertent errors in Decision 05-03-025, issued on March 17, 2005 (Decision), which implemented affidavit requirements in connection with Commission rules governing Direct Access load growth. These inadvertent errors in the Decision have been subsequently detected, and are hereby corrected, as described below.

Ordering Paragraph 5 Deletion

The Decision contains the following language as Ordering Paragraph 5:

To the extent a Direct Access (DA) customer and/or Electric Service Provider believe that verification of contractual load volumes in the affidavit entails confidential information, they are authorized to execute a nondisclosure agreement with the utility to protect the confidentiality of such information.

The above-quoted Ordering Paragraph was inadvertently left in the final version of the Decision, but should have been deleted, consistent with the remaining portions of the Decision. Ordering Paragraph 5, regarding execution of a nondisclosure agreement, is inconsistent with other revisions from the earlier Draft Decision which adopted a different method for preserving confidential data as indicated on pages 8 and 9, Conclusions of Law 12 and 13 and Ordering Paragraph 9 of the final Decision. Accordingly, Ordering Paragraph 5 is hereby deleted, as ordered below.

Word Substitution: “Employees” Instead of “Utilities”

A second correction to the Decision relates to certain wording used in the discussion of restrictions on access to confidential affidavit data. The first instance where the correction must be made is on Page 9 of the Decision, in the second sentence of the first full paragraph, as recited below: (The word “utilities” is shown in italics for emphasis.)

“Each utility shall designate those employees authorized to have access to confidential affidavit data, and shall restrict access accordingly. The list of designated *utilities* authorized to have access to confidential contract data shall be provided to each DA customer that provides such confidential contract data in its affidavit.”
(Emphasis added.)

Specifically, the reference to “utilities” in the second sentence of that paragraph should instead read “employees,” as referenced below. Accordingly, with the substitution of the word “employees,” instead of “utilities” in the second sentence, the corrected text reads:

“Each utility shall designate those employees authorized to have access to confidential affidavit data, and shall restrict access accordingly. The list of designated *employees* authorized to have access to confidential contract data shall be provided to each DA customer that provides such confidential contract data in its affidavit.” (Emphasis added.)

The second appearance of this erroneous wording is in Ordering Paragraph 9, the last sentence of the decision: The word “utilities” is shown in italics for emphasis.

“The list of designated *utilities* authorized to have access to confidential contract data shall be provided to each DA customer that provides such confidential contract data in its affidavit.”
(Emphasis added.)

Consistent with the previous correction, the word “utilities” is replaced with the word “employees.” The corrected last sentence in Ordering Paragraph 9, as adopted in this order, properly reads:

“The list of designated *employees* authorized to have access to confidential contract data shall be provided to each DA customer that provides such confidential contract data in its affidavit.”
(Emphasis added.)

Therefore, pursuant to Resolution A-4661, **IT IS ORDERED** that:

1. Ordering Paragraph 5 of Decision 05-03-025 is hereby deleted.
2. The word “utilities” is replaced with the word “employees” in the specific locations of the Decision, referenced above on Page 9 and Ordering Paragraph 9. The corrected text and Ordering Paragraph 9, as set forth in the text above, are hereby adopted, and Decision 05-03-025 is amended accordingly.

This order is effective today.

Dated March 29, 2005, at San Francisco, California.

/s/ STEVE LARSON

STEVE LARSON
Executive Director